EXHIBIT 11

1   ANYA VERKHOVSKAYA

2   IN THE UNITED STATES DISTRICT COURT

3   FOR THE MIDDLE DISTRICT OF

4   NORTH CAROLINA

5   --

6   THOMAS H. KRAKAUER, on behalf of
     a class of persons,

7

8   Plaintiff,   CIVIL ACTION NO.
                                        14-CV-333
9
         -vs-   JUDGE CATHERINE C.
10   EAGLES

11   DISH NETWORK, L.L.C.,   MAGISTRATE JUDGE
                                        JOI E. PEAKE
12
                    Defendant.
13

14

15

16   Examination of ANYA VERKHOVSKAYA, taken at

17   the instance of the Defendant, under and pursuant to the

18   Federal Rules of Civil Procedure, before DANNIELLE K.

19   COPELAND, Registered Merit Reporter, Certified Realtime

20   Reporter and Notary Public in and for the State of

21   Wisconsin, at A.B. Data, 600 A.B. Data Drive, Glendale,

22   Wisconsin, on March 6, 2015, commencing at 9:29 a.m. and

23   concluding at 2:00 p.m.

24

25   Job No. 90298

ANYA VERKHOVSKAYA

1

2   A   I am not clear what you mean by "identify," but we

3   have been asked as part of our data analysis to

4   analyze and redact records that were clearly

5   identified as existing business relationship

6   records.

7   Q   And could you tell me what an existing business

8   relationship is in -- based upon your work in

9   those cases?

10 A   I can only tell you how the data was flagged.

11 Q   That would be fine. Go ahead.

12 A   And it is different in each case. In this

13   particular case, the data was flagged as "DISH

14   customer," which indicated existing business

15   relationship.

16 Q   And I'll -- I'll get to that. Do you remember any

17   other ways you've -- have you -- in your other

18   work in pre-certification phases for plaintiff's

19   counsel, have you had other parameters by which

20   you would identify existing business

21   relationships; do you remember any of those?

22 A   Other than data analysis parameters?

23 Q   Yeah, what would -- would there be some data

24   analysis parameters -- data analysis parameters

25   you've used before?

1   ANYA VERKHOVSKAYA

2   there.

3   A   We did not do that comparison. We were not asked

4   to do that comparison so I don't know.

5   Q   So some may have informed SSN only, some may have

6   informed DISH only, some may have informed both?

7   A   I --

8   Q   You don't know?

9   A   Correct, I don't know.

10   Q   And what did they tell SSN?

11   A   I don't know.

12   Q   Well, how did you, then, determine that they had

13   told SSN they didn't want to be called?

14   A   SSN's data indicated that those individuals asked

15   to be on the do-not-call list.

16   Q   Okay. That's from the data you received from

17   plaintiff's counsel that is labeled "SSN," right?

18   A   It is labeled differently. It is labeled -- it

19   has three files: one called, DISH Retailer DNC

20   List 2010 and Older;

21   Echostar_Internal_Upto_20101231; and the third

22   file, Echostar_Retailer_Upto_20101231.

23   Q   And what are those -- what are those -- what are

24   those files? What do those contain?

25   A   Those three files contain Dish's internal

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 1                    ANYA VERKHOVSKAYA

 2    Q    And what about -- same question for Nexxa:  Are

 3         they -- you say maximum accuracy and reliability,

 4         is there a way to measure that with regard to

 5         Nexxa's services?

 6    A    We do not test, at least have not yet tested

 7         Nexxa's database.

 8    Q    And why is that?

 9    A    Because we don't use them as often as we use

10         LexisNexis.

11    Q    And why do you use LexisNexis more often than

12         Nexxa?

13    A    The services that LexisNexis provides are in more

14         need.

15    Q    You end up needing those services more?

16    A    Correct.

17    Q    In any of the cases which you've worked with

18         LexisNexis or Nexxa, has a court made some ruling

19         and accepted their services as being reliable and

20         accurate; do you know?

21    A    Well, there are hundreds of cases where LexisNexis

22         databases were used where the courts approved

23         notice programs that included those services.

24    Q    For post-certification class administration?

25    A    That's correct.
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1   ANYA VERKHOVSKAYA

2   A   This is a layout of files listed on Page 7 and 8

3   of Satellite System Networks. And could I correct

4   a mistake that I made earlier in the deposition?

5   Q   I could never deny that, so go right ahead.

6   A   Thank you. Now, after looking at the records, I

7   realize that I made a mistake, and the SSN

8   do-not-call list is a part of the disposition

9   field in the Satellite System Network call logs.

10 Q   So for example, on Page -- the first page of

11   Exhibit 4, the third phone number listed under

12   disposition, there's a note that says "do not

13   call"?

14 A   That is correct.

15 Q   And so you were -- you're telling us now that that

16   is how -- tell me if I'm saying this correctly --

17   that is how you went about -- and your team, you

18   and your team went about determining people who

19   had told --

20 A   Asked --

21 Q   -- who had asked SSN not to call them again?

22 A   That's correct.

23 Q   As opposed to what you had testified to earlier?

24 A   Yes. I made a mistake, and the other three files

25   actually represent Dish's do-not-call list.

1   ANYA VERKHOVSKAYA

2   Q   All right. You said you had kind of went about

3   some discussions about how to interpret or -- or

4   focus on certain of these fields?

5   A   Yes.

6   Q   Could you explain that to me?

7   A   Absolutely. So the field "Date" represents the

8   date of the phone call. That's the field that we

9   looked at. Field "Time" we did not analyze or

10   look at. Field "DNIS" is the actual field that

11   you cannot see on this particular printout due to

12   the size of the field, but that's the field that

13   contains a list of phone numbers that were called,

14   and you can see it on -- actually, Pages 2 and on.

15   Q   The complete phone number that was --

16   A   The complete --

17   Q   -- called?

18   A   That's correct. "ANI" is the field that we did

19   not analyze. The "Call Type" was a field, and one

20   of the queries that we ran was inbound versus

21   outbound calls. All inbound calls were redacted.

22   "Duration" is another query that we ran, and all

23   durations of zero hours, minutes and seconds were

24   redacted.

25   Q   Why is that?

1   ANYA VERKHOVSKAYA

2 A We were instructed by plaintiff's counsel that

3   those calls represent what we designed in my

4   report as unconnected -- nonconnected calls.

5 Q Got it.

6 A "Hold Time" and "Handle Time" we did not pay

7   attention to. "Disposition" was analyzed as

8   outlined on Page 8 of my report.

9 Q Which I'll get into more detail with you. Go

10 ahead.

11 A Campaign, Agent, Skill, Rate, Bill Time, number1,

12 2, 3, those are not the fields that we paid

13 attention to.

14 Q All right.

15 A And first_name, last_name, city, state, zip was

16 loaded into our system where available.

17 Q All right. So those are the fields that you

18 focused on analyzing?

19 A That's correct.

20 Q And how do you know what the names of these fields

21 mean?

22 A We had conversations with plaintiff's counsel

23 where those fields were discussed.

24 Q So the plaintiff's counsel told you what those

25 fields meant?

1   ANYA VERKHOVSKAYA

2   Q   Okay. Then you have a notation at the bottom,

3   "Call Type and/or Campaign: Inbound." Do you see

4   that at the bottom there?

5   A   Yes.

6   Q   What does that mean?

7   A   There were two call type campaigns, outbound and

8   inbound. We redacted all inbound calls.

9   Q   Okay. What does "Campaign: Inbound" mean? Is

10   that -- it was listed under the campaign field; is

11   that what that means?

12 A   It was listed under call type --

13 Q   Right, I see -- I see that column, yes.

14 A   And sometime -- sometimes it was listed in the

15   campaign field as well, and those usually

16   correlated to one another.

17 Q   I see.

18 A   So if one was inbound, another one was inbound as

19   well, and that means that the phone calls were

20   received and not made.

21 Q   Okay. And so I guess to distill it, anytime you

22   saw the word "inbound" on either of those fields,

23   you would eliminate that call?

24 A   That's correct.

25 Q   And did you cross-reference the calls -- those

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1                    ANYA VERKHOVSKAYA

2    calls, did you eliminate it with any other calls

3    or anything?

4  A  No.

5  Q  Do you know what was said on any of those calls?

6  A  No.

7  Q  So on top of Page 9 -- well, let -- I'm sorry,

8     let's start with the bottom of Page 8.

9          So you go through this calling process,

10    this extraction process, and you eliminate

11    1,431,197 calls; is that accurate to say?

12  A  Yes.

13  Q  And you were left with, at the top of Page 9,

14    230,121 remaining calls, which you define as the

15    connected calls?

16  A  Correct.

17  Q  Do we know if there was -- on this universe of

18    connected calls, do we know if there was an actual

19    conversation on any of these calls?

20  A  "We," meaning --

21  Q  You or me or --

22  A  Well, I don't know if you know, but I don't.

23  Q  Okay.  Right.  Why speculate on what I know?  But

24    you don't know if there was a conversation on any

25    of these calls?
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1   ANYA VERKHOVSKAYA

2   MR. ZALUD: Pass that down to Patrick,

3   please.

4   (Exhibit No. 5 was marked.)

5   MR. ZALUD: One for you.

6   THE WITNESS: Thank you.

7 BY MR. ZALUD:

8 Q   So I'm handing you Exhibit 5, I believe it is.

9 A   Yes.

10 Q   And I will tell you what I believe it to be. It's

11   some corrections on some of the numbers that

12   your -- that the plaintiff's lawyer sent to me

13   yesterday, and they're highlighted in yellow, so

14   if that helps you, that's an easy way to find any

15   numbers that have changed.

16 A   Thank you. And those were my errors, and I

17   apologize for that.

18 Q   No problem. I don't think we've gotten any

19   numbers that were revised yet.

20 A   Correct.

21 Q   So you mentioned this is where Nexxa came in.

22   What did Nexxa do?

23 A   Nexxa is a data provider that facilitates our

24   access to National Do Not Call Registry to flag

25   phone numbers within a certain period of time as

1   ANYA VERKHOVSKAYA

2   to be on the do-not-call registry list.

3   Q   And how do they know which numbers are -- how does

4   Nexxa know which numbers are on the do- --

5   do-not-call list at a particular date, like April

6   1st, 2010, for example?

7   A   Nexxa doesn't. Nexxa just facilitates A.B. Data's

8   access to the National Do Not Call Registry.

9   Q   For that particular timeframe?

10   A   For any particular timeframe. In this particular

11   case, it was April 1st, 2010.

12   Q   Okay. So they're essentially a portal to the

13   national DNC --

14   A   For us --

15   Q   -- registry?

16   A   Correct.

17   Q   And then A.B. Data checks to see which numbers

18   were on the DNC list at -- during that particular

19   time period?

20   A   That's correct.

21   Q   So Nexxa didn't really do anything, then?

22   MR. MUENCH: Object to form.

23   THE WITNESS: Well, from our

24   perspective, they facilitated our access.

25   BY MR. ZALUD:

1   ANYA VERKHOVSKAYA

2   Q   All right. Tell me how the number 23,625 unique

3   telephone numbers, why is that less than the

4   number 66,448? How do they relate to each other:

5   66,448 calls and 23,625 unique telephone numbers?

6   A   Unique telephone numbers are the telephone numbers

7   that were listed just once. We count them once;

8   however, many of those calls -- many of those

9   phone numbers receive multiple calls.

10   Q   So some of these 23,62- -- 625 unique phone

11   numbers got more than one call?

12   A   That's correct.

13   Q   Let's take one of those as an example, some number

14   that got more than one call. What if on the first

15   call they got they said, hey, could you give me a

16   call back tomorrow, and so then Satellite Systems

17   calls them back tomorrow, that would be -- that

18   number would still be in your universe of 58,151

19   calls, right?

20   A   Hold on one second. That's a possibility.

21   Q   Okay. And if that happened and SSN was asked to

22   call back by the person and they did, that second

23   call wouldn't have violated any do-not-call

24   policy, right, because they asked to be called

25   back?

1   ANYA VERKHOVSKAYA

2   A   I am not going to comment on the policy; however,

3   your scenario does not really fit this paragraph

4   because we already determined that these records

5   received more than one call.

6   Q   Right.

7   A   More than two calls.

8   Q   Right.

9   A   Right?

10   Q   Uh-huh. So on the first call to a particular

11   unique number, the live person who gets the call

12   says, I think I might be interested, can you call

13   me back tomorrow? And then on the second call,

14   SSN complies with that request and calls that

15   person back just like they asked. That second

16   call would be part of the 66,448 calls, right?

17   A   Yes, correct -- that's correct.

18   Q   And if that person had asked to be called back,

19   that second call wouldn't violate any do-not-call

20   policy, right?

21   A   I can't --

22   MR. MUENCH: Objection to the extent it

23   calls for a legal conclusion.

24   THE WITNESS: -- comment to that.

25   BY MR. ZALUD:

1   ANYA VERKHOVSKAYA

2   Q   All right. That's a legal --

3   A   That's correct.

4   Q   -- conclusion?

5   A   Right.

6   Q   And that could have happened, that exact scenario

7   that I just described could have happened on any

8   of the second calls in this universe, right? We

9   don't know.

10   A   Correct.

11   Q   It's possible, right?

12   A   It is.

13   Q   How would we find that out, do you think?

14   A   I wouldn't be able to find that out.

15   Q   I mean, we've got these call logs, I guess, right?

16   That's part of the data we have, right?

17   A   That's correct.

18   Q   I mean, we could check with the people who were on

19   each of those calls, I guess, right, see if they

20   remember what was said, right --

21   MR. MUENCH: Object to the form.

22   BY MR. ZALUD:

23   Q   -- that would be one way to do it?

24   A   I -- that's not the way that A.B. Data would or

25   could do it, but I don't know how --

1   ANYA VERKHOVSKAYA

2   Q   But just if we're after the facts of what

3   happened, independently whether allowed -- we're

4   allowed to or not, that would be one way to get at

5   the facts of what happened, right?

6   A   Correct.

7   Q   At the bottom of Page 9 -- I'm moving on in your

8   methodology. It looks like you -- you further

9   sought to narrow the number of calls, right?

10 A   That's correct.

11 Q   And how did you go about doing that? Are you

12   looking at both to make sure the numbers are

13   correct?

14 A   Yes, and I'm seeing two Page 10s and then two Page

15   12s.

16 Q   You're looking at the corrected version, so --

17 A   Right, so --

18 Q   -- the corrected version just has different

19   numbers, so why don't we just look at the first

20   version first, whatever's easiest for you.

21 A   Okay. I see. All right.

22 Q   All right. Good. So -- so what was your next

23   step in the process?

24 A   So the next step, after we identified 23,625

25   unique phone numbers, we redact a disposition

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1                    ANYA VERKHOVSKAYA

2        business according to the source data, so

3        according to the call logs received from SSN.

4    Q   All right.

5    A   And we identified 1,275 unique telephone numbers

6        as being business-identified telephone records in

7        the disposition field from the SSN records.

8    Q   Is it possible that other numbers in these call

9        logs were actually business numbers but that fact

10       didn't make it into the disposition column?

11   A   Yes.

12   Q   I mean, you don't really know how this data got

13       input into these call logs, right?

14   A   Correct.  And to address that, we coordinated

15       additional attempts of potential additional

16       business numbers through LexisNexis and identified

17       another 118 records as business telephone numbers

18       during that timeframe.

19   Q   What data did you send to LexisNexis?

20   A   We send the data from a few steps prior to this.

21       The data that was send to LexisNexis was a little

22       bit overinclusive because we didn't have a lot of

23       time.  We needed to move very quickly, so --

24   Q   I'm sorry, go ahead.

25   A   The most important result is that we were able to
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1   ANYA VERKHOVSKAYA

2   identify 118 additional records as business --

3   Q   And you've --

4   A   -- phone numbers.

5   Q   -- already produced to us what -- what data you

6   sent to LexisNexis, right?

7   A   That's correct.

8   Q   And you've produced to us what -- what results

9   they sent back to you, right?

10 A   That's correct.

11 Q   But you haven't necessarily produced all the

12   e-mail communications between A.B. Data and

13   LexisNexis?

14 A   Well, the way we work with LexisNexis is different

15   than, let's say, Nexxa. With LexisNexis we rarely

16   communicate by e-mail. We upload the data

17   throughout their portal, and we receive the

18   results back through their portal.

19 Q   All right. Are there any documents guaranteeing

20   or warranting from LexisNexis that they'd located

21   every single business number from this universe of

22   connected calls?

23 A   No.

24 Q   Are there any documents where LexisNexis gives any

25   kind of disclaimer about the accuracy of their

1   ANYA VERKHOVSKAYA

2   processes?

3 A   No.

4 Q   So they don't warrant or guarantee the accuracy of

5   their processes, nor do they give any disclaimers?

6 A   Correct.

7 Q   Do you know how they went about determining which

8   numbers were business numbers?

9 A   They ran it against their database of billions of

10   records and utilized their proprietary linking

11   methodology, as represented by them.

12 Q And did A.B. Data test or corroborate LexisNexis'

13   results in any way?

14 A   No.

15 Q   Did any third party test or corroborate

16   LexisNexis' results in any way?

17 A   No.

18 Q   Why don't you keep handy the call logs and the

19   report and the revised report, okay?

20   MR. ZALUD: Pass that over to Patrick.

21   MR. MUENCH: Thank you.

22   (Exhibit No. 6 was marked.)

23 BY MR. ZALUD:

24 Q   Ms. Verkhovskaya, I've handed you what we've

25   marked as Exhibit 6, and it was produced to us and

1   ANYA VERKHOVSKAYA

2 A   Correct.

3 Q   All right. I just have a couple questions about

4   some of the data fields, not all of them, but

5   about the one, two, three, four, five, sixth

6   column over, "current_cell, Capital Y, Capital N."

7   Do you see that one?

8 A   Um-hum.

9 Q   Could you give me a "yes," please?

10 A   Yes. I'm sorry.

11 Q   Thank you. That's okay. Do you know what that

12   column means?

13 A   For this particular case, we did not analyze that

14   column.

15 Q   I see. Okay. Do you know what it means anyway,

16   or no?

17 A   Yeah, on this particular output, no. On the

18   number -- it is my assumption that it means

19   whether a cell -- whether a particular number was

20   a cell phone or not, but I did not analyze that

21   field at all.

22 Q   In your work on this case, whether a number was a

23   residential landline or a wireless cell phone?

24 A   Correct.

25 Q   That was not part of your project?

1   ANYA VERKHOVSKAYA

2   A   That's correct.

3   Q   All right. How about the next one? I'm not going

4   to ask you about every single one, but the next

5   one --

6   A   Sure.

7   Q   -- "phone type code." Do you know what that

8   means?

9   A   It's another field that is an automatic append

10   through LexisNexis, and we did not analyze it for

11   this particular case.

12   Q   All right. So I -- I think I understand that, so

13   this is in -- this is kind of a standard format --

14   A   Standard form.

15   Q   -- that they send out, and some of these columns

16   you look at depending on what your assignment is?

17   A   That's correct.

18   Q   All right. And then there's a column "Listed

19   Name" right, the very next column?

20   A   That's correct.

21   Q   And -- and then right next to "Listed Name"

22   there's "Phone One" and "Carrier Name," right?

23   A   That's correct.

24   Q   So how do those three columns relate to each

25   other?

ANYA VERKHOVSKAYA

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2   Q   But they've told you they can't do it all the

3   time?

4   A   That's correct.

5   Q   Are there other vend- -- competing vendors out

6   there to what services LexisNexis provides?

7   A   Yes.

8   Q   What are -- which ones are those?

9   A   Experian, certain services provided by LexisNexis

10   provided also by Nexxa, MicroBuild and dozens of

11   other data vendors out there.

12 Q   And why did you choose LexisNexis for -- over

13   those other vendors for this project?

14 A   They have the largest data set with the most

15   unique linking methodology.

16 Q   Let's get back to your report, a couple more

17   questions on your report. On Page 10 you talk

18   about the next step in your process where you

19   identified some numbers as being associated with

20   DISH customers; is that accurate?

21 A   Yes, it is.

22 Q   And how did you go about identifying those --

23   those numbers?

24 A   It was a disposition-based query based on call

25   records provided by SSN.

1   ANYA VERKHOVSKAYA

2 A   I can only rely on the data provided to me in the

3   report -- in the call logs.

4 Q   So if some of these other calls were to DISH

5   customers but the agent didn't input it into this

6   call log, there would be no way for A.B. Data to

7   tell if those numbers were for DISH customers?

8 A   I don't know whether it's agent input or automatic

9   import. I'm not aware of how that data got into

10   those call logs.

11 Q   So the only way you can catch -- or the only way

12   you can identify DISH customers just by looking

13   here, there might be others out there, but you

14   wouldn't be able to catch them from the

15   information you have before you?

16 A   That's correct.

17 Q   It's possible that a lot more of these numbers are

18   for DISH customers, right?

19 A   I wouldn't know, but it's a possibility.

20 Q   Is there any type of methodology you had in -- in

21   compiling your report or can -- you be able to

22   devise that would guarantee that all DISH

23   customers were identified out of these connected

24   calls?

25 A   No.

1   ANYA VERKHOVSKAYA

2   A   Yes.

3   Q   You didn't go ahead and cross-check that to see if

4   any of the numbers were on both lists?

5   A   That's correct.

6   Q   And is it fair to say, for those three bullet

7   points of those -- at the bottom of Page 11,

8   the -- I'll call them the DISH do-not-call lists,

9   you don't really know how that information was

10   arrived at, it was just presented to you, right?

11   A   That's correct.

12   Q   And for the DISH -- DISH do-not-call numbers, you

13   called them the IDNC connected calls; is that

14   right?

15   A   Correct.

16   Q   You went through a similar analysis as to which

17   ones were business numbers?

18   A   That's correct.

19   Q   And a similar analysis as to numbers receiving

20   more than one call, right?

21   A   That's correct.

22   Q   Okay.

23   A   That were 30 days or more --

24   Q   Right.

25   A   -- prior to --

ANYA VERKHOVSKAYA

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2   Q   I'm on to Page 13 now, 13B. Are you there?

3   A   Yes, I am.

4   Q   So is it accurate to -- and this talks about --

5   this is a section of your report that talks about

6   persons who were called that requested being

7   placed on SSN's intern- -- internal do-not-call

8   database, correct?

9   A   That is correct.

10 Q   And how did you go about locating -- or

11   identifying those persons?

12 A   It is a disposition-based report --

13 Q   I'm sorry, I didn't understand that.

14 A   In the call logs of Exhibit 4 --

15 Q   All right.

16 A   -- there is a disposition do-not-call or DNC, so

17   that report is disposition-based based on the data

18   provided in the call log.

19 Q   All right. So there wasn't a list?

20 A   Correct. Excuse me.

21 Q   Sure.

22 A   Excuse me.

23   MR. MUENCH: Bless you.

24   THE WITNESS: Thank you.

25   MR. ZALUD: Bless you.

1   ANYA VERKHOVSKAYA

2   BY MR. ZALUD:

3   Q   And an example of what you're talking about would

4   be on the very first page of Exhibit 4 under

5   disposition, the one, two -- third one down, is

6   that -- am I correct there? It says,

7   "Disposition, do not call"?

8   A   That's correct.

9   Q   And you -- you or your team interpreted that to

10   mean, please place me on your internal do-not-call

11   list?

12   A   We did not make that interpretation. Plaintiff's

13   counsel represented to us that that's what it

14   meant.

15   Q   All right. You didn't, for instance, check with

16   anyone from Satellite Systems Network to inquire

17   as to what they meant by that notation?

18   A   That's correct.

19   Q   And was -- was it conveyed to you from plaintiff's

20   counsel that they had checked with someone from

21   Satellite Systems who had told them that that's

22   what Satellite Systems meant?

23   A   No.

24   Q   At 4 -- Page 14, the last paragraph, there was

25   some incomplete information, I guess, so you

1   ANYA VERKHOVSKAYA

2   submitted some additional information to

3   LexisNexis?

4 A That's correct.

5 Q Could you explain what -- what you mean by that?

6 A Some of the call logs did not have a name and an

7   address associated with the phone number. We

8   submitted that information to LexisNexis and asked

9   them to reverse append historic information of who

10   was the subscriber of that phone number and what

11   the address of that individual was during the

12   timeframe in question.

13 Q Okay. So they went back and looked at some

14   comparative historical data that they had?

15 A That's correct.

16 Q And do you know how many addresses they were able

17   to find?

18 A I did not run the address count.

19 Q Did they guarantee or warrant the accuracy of that

20   work in any way?

21 A No.

22 Q And was that -- did anyone at A.B. Data

23   corroborate or -- or verify any of that work?

24 A No.

25 Q Were there e-mails exchanged related to that work?

ANYA VERKHOVSKAYA

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2 Q   Other than what we've already talked about?

3 A   Not that I can think of.

4 Q   Couple questions about a couple of these columns.

5   It says "No. 1" and "No. 2," do you know what that

6   means? And it's probably better to look at the

7   second page because it's got the full numbers. Do

8   you see where I'm talking about? It's over to the

9   right-hand side.

10 A   Yes, I do, and I believe we discussed that earlier

11   as well, and we were instructed not to look at

12   those two fields.

13 Q   Well, let's -- let's just look at the very first

14   number on the page we're all looking at. The DNIS

15   is 4432 -- 4434294477, right?

16 A   Correct.

17 Q   And No. 1 in that column is the same number,

18   right?

19 A   Correct.

20 Q   Is it possible that No. 1 is the principal line

21   and No. 2 is some other line, like a cell number

22   or a business number or a home number or another

23   family member's number?

24   MR. MUENCH: Object to form.

25   THE WITNESS: It is a possibility.

1   ANYA VERKHOVSKAYA

2   BY MR. ZALUD:

3   Q   What if someone called -- what if some SSN agent,

4   let's say James Duck, called the No. 1, the first

5   phone number, and they told him, hey, call me back

6   on this other number, No. 2? Under your analysis,

7   that would be another unique phone number, right;

8   No. 2 would be?

9   A   Correct.

10   Q   But that would be a call where the person had

11   asked to be called back, right?

12   A   Well, in my analysis, there should have been more

13   than just one call to that number.

14   Q   Okay. But -- okay, but -- but the second

15   number -- let me make sure I'm getting this right.

16   If the second number would have gotten a call,

17   that would have been a callback that was asked

18   for, right?

19   A   Correct, but it wouldn't appear on my analysis.

20   Q   It wouldn't appear because it didn't get two

21   calls?

22   A   Or more.

23   Q   Unless it did get two calls, right?

24   A   Or more, correct.

25   Q   Unless on conversation one, Mr. Valvano told James

1   ANYA VERKHOVSKAYA

2   Duck, call me back but call me on this other

3   number, and James Duck called him back two or more

4   times on the other number, right?

5   A   Correct.

6   Q   Those would all be calls that Mr. Valvano asked to

7   be called back on, right?

8   A   In your scenario, hypothetically, yes.

9   Q   And so those would be calls that wouldn't violate

10   any do-not-call policy, right?

11   MR. MUENCH: Objection to the extent it

12   calls for a legal conclusion.

13   THE WITNESS: I can't comment on that.

14 BY MR. ZALUD:

15 Q   Well, if someone says, hey, call me back, I would

16   love it if you'd call me back, and they get a --

17   and they do get called back, does that, under your

18   understanding, violate any DNC policy?

19   MR. MUENCH: Same objection.

20   THE WITNESS: I can't comment on that.

21 BY MR. ZALUD:

22 Q   It's a legal conclusion, I guess, right?

23 A   That is correct.

24 Q   And did anyone, LexisNexis or Nexxa or A.B. Data,

25   analyze whether there was more than one person in

1   ANYA VERKHOVSKAYA

2   a household with different phone numbers in a

3   particular household?

4 A   No, we did not.

5 Q   And do we know from these call logs whether the

6   name of the person -- like, let's just take the

7   first one on this page that we're all looking at,

8   same page, Kenitta Bourgesis, B-O-U-R-G-E-S-I-S,

9   do we know if she was the actual subscriber to

10   that phone number at the time of the call?

11   MR. MUENCH: Object to the form.

12   THE WITNESS: Based on Exhibit 4, we do

13   not.

14 BY MR. ZALUD:

15 Q   Is there any way we can find -- we would be able

16   to find that out?

17 A   LexisNexis provides subscriber information

18   service, historical append.

19 Q   Did they for this -- this project they worked on

20   for A.B. Data?

21 A   Yes.

22 Q   And did you analyze that?

23 A   Yes.

24 Q   And so every number that was called, it was called

25   to the subscriber of that line?

1   ANYA VERKHOVSKAYA

2   A   No, we didn't analyze it that way.

3   Q   All right. So there could be people who were

4   called that weren't a subscriber to that

5   particular line, right?

6   A   Correct.

7   Q   Did A.B. Data, in its analysis, look to see if a

8   number that was on the DISH do-not-call list was

9   ever reassigned between the time it was added to

10   the do-not-call list and the time the number was

11   called?

12   A   No, we did not.

13   Q   How about, then, the last column I'll ask you

14   about on this -- these call logs is the address,

15   so it looks like a typical street address for most

16   of these people over on the right-hand side,

17   right?

18   A   Correct.

19   Q   Do we know whether these addresses are associated

20   with these phone numbers or with these people?

21   A   It was represented to us that these addresses

22   associate -- are associated with the people listed

23   in column titled, "first, underscore, name" and

24   "last, underscore, name."

25   Q   You're not able to tell from this exhibit what was

1   ANYA VERKHOVSKAYA

2   A   Yes.

3   Q   So 14 percent of the time, they get it wrong?

4   MR. MUENCH: Object to form.

5   THE WITNESS: I stated earlier that 14

6   percent, we call it the data is not accurate.

7   MR. ZALUD: Okay. I don't have any

8   further questions. Thank you.

9   MR. MUENCH: I'm done.

10   VIDEOGRAPHER: Okay. This is the end of

11   Disk 3 of the deposition of Anya Verkhovskaya. We

12   are off the record at 1:59 p.m.

13   (Proceedings concluded at 2:00 p.m.)

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